

DEVELOPMENT CONDITIONS

SEA 84-C-024

April 16, 2012

If it is the intent of the Board of Supervisors to approve SEA 84-C-024 located at Tax Map 27-1 ((9)) 0002A & 0004A, for use as a fast food restaurant within the existing shopping center pursuant to Sect. 6-304 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions. These conditions shall be in addition to the development conditions adopted pursuant to the approval of SE 84-C-024.

1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception Amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions. Fast food restaurants without drive-through facilities may be located within the existing commercial structure without amendment to this Special Exception.
3. A copy of this Special Exception Amendment and the Non-Residential Use Permit shall be posted in a conspicuous space on the property of the use and be made available to all departments of Fairfax County during the hours of operation of the permitted use.
4. This Special Exception Amendment is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat (SEA Plat) prepared by Bowman Consulting, seal dated March 7, 2012, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
5. Irrespective of any signs shown on the SEA plat, all signage shall comply with the provisions of Article 12 of the Zoning Ordinance.
6. The applicant shall incorporate/install the following green building practices and technologies:
 - Six ton to ten ton high efficiency roof top HVAC units which fall into the 12.5-13 SEER category;
 - Time clock and photo cell to control the exterior signage to ensure that the signage lights are only on when necessary;
 - Occupancy sensors installed in the restrooms to only turn on the lights when movement is detected;
 - Exterior signage lit by LED lights;

- A Lightstat Thermostat with automatic temperature setback when the store is not occupied;
- RetroPlate system on the concrete floor in the dining room (a water based sealer that eliminates the need for caustic sealers);
- Low and No VOC paints;
- A pre-rinse sprayer at the four-compartment sink rated for 1.25 GPM;
- Dual flow water closets using either 1.1 or 1.6 gallons per flush depending on which button is pressed;
- High-efficiency lighting throughout the store;
- Low flow (.5 GPM) hand sinks in the restrooms; and,
- High efficiency water heaters (95%-98% efficient).

The applicant shall also make an effort to recycle cardboard from the kitchen and glass and plastic from the dining room. Prior to final construction bond release, a Licensed Architect or Professional Engineer shall certify that the green measures in this list were incorporated.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception Amendment shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established as evidenced by the issuance of a Non-RUP for the fast food restaurant use. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.